

UNITED STATES DISTRICT COURT  
EASTERN NEW YORK

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ALI ALKAIFI,

Plaintiff,

-against-

Index No.: 14-CV-2680  
(RJD)(SMG)

THE CITY OF NEW YORK;

and

**NOTICE OF MOTION**

New York City Police Department employees; POLICE OFFICER SAMUEL MITHU and SEVERAL UNKNOWN JOHN DOES and/or JANE DOES Nos. 1,2,3 etc... (whose identities are unknown but who are known to be police officers and employees of the CITY of NEW YORK);

and

New York City Police Department employees; Sgt. Baronette, Sgt./Lt. Singh, Sgt. Sudes and RICHARD ROE and JANE ROE Nos. 1, 2, 3 etc.... (whose identities are unknown but who are known to be Supervisory police officers and employees for the CITY OF NEW YORK);

and

New York City Fire Department employee; FIRE PREVENTION INSPECTOR ERIC MONK (an employee of the New York City Fire Department and employee for the CITY of NEW YORK);

and

New York City Fire Department employees; JOHN JONES and JANE JONES Nos. 1, 2, 3 etc... (whose identities are unknown but who are know to be supervisory personnel of the New York City Fire Department and employees for the CITY of NEW YORK);

and

All of the above named individual Defendants are being sued both individually and in their official capacities.

Defendants.

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**PLEASE TAKE NOTICE**, that, upon this Memorandum of Law and upon all prior pleadings and proceedings had herein, Defendant Eric Monk (“Defendant”) will move this Court before the Honorable Steven M. Gold, Chief Magistrate Judge, at the United States Courthouse for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the Court, pursuant to rule 12(b)(6) of the Federal Rules of Civil Procedure, partially dismissing Plaintiff’s amended complaint against Defendants, with prejudice, and for such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to the Order of Honorable Steven M. Gold, dated February 12, 2016, opposition papers, if any shall be filed on or before March 4, 2016.

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to the Order of the Honorable Steven M. Gold, dated February 12, 2016, reply papers, if any, shall be filed on or before March 11, 2016.

Dated: Queens, New York  
February 21, 2016

/s/

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TO: VIA First Class Mail and ECF  
Noreen M. Stackhouse

Attorney for Defendants: City of New York;  
Sgt. Sudes; P.O. Smithu; Sgt. Baronette;  
Sgt./L.t. Singh; John and Jane Does Nos. 1,2, 3 etc;  
Richard and/or Jane Roe Nos. 1, 2, 3 etc; John and Jane  
Jones Nos. 1, 2, 3 etc.; Lt. Kahn; and David Franco, Deputy  
Chief Inspector  
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Dated: Queens, New York